

In the matter of the application of:)
)
 SARA JANE MCDANIEL,) Application No. 2004024003
)
 for license as a Clinical Social Worker.)

On January 9, 2007, the Missouri Committee for Social Workers received an application in proper from Sara Jane McDaniel (sometimes referred to herein as “licensee”) for licensure as a clinical social worker.

Findings of Fact

1. McDaniel is over the age of 18 years, is a United States citizen, has a master's degree in social work, has completed acceptable supervised social work experience, and upon examination, is possessed of the requisite knowledge of the profession for licensure
2. McDaniel's supervised social work experience was under the supervision of Sandra Best (between June 15, 2004, and October 17, 2004) and Sharon Smith (between April 13, 2005, and December 30, 2006).
3. On her application McDaniel states that she was employed for 40-50 hours per week by the Ozark Center between October 18, 2004, and the "present" performing the

following social work duties, "crisis counseling by phone, providing referrals to community resources, face-to-face assessment for inpatient tx [treatment]."

4 In a letter dated February 4, 2007, McDaniel claimed that she actually changed was working as a crisis counselor during the time in question because a supervisor was not available

5. The committee gives little weight to this claim as it is contradicted by the application itself and because McDaniel had been notified by the committee in a letter dated July 27, 2004, that changes in supervision setting would require a change of status notification.

6. McDaniel's written explanation and statements to the committee's investigator border on deceptive. To the extent that the explanation and statements are truthful, then the application for licensure was deceptive (or at the very least, contained misrepresentations).

Conclusions of Law

A. McDaniel is over the age of 18 years, is a United States citizen, has a master's degree in social work, has completed acceptable supervised social work experience, and upon examination, is possessed of the requisite knowledge of the profession for licensure.

B. The practice of clinical social work without a license is grounds for denial of a license pursuant to sections 337.630.1 and .2(6), and 337.603 RSMo

C. In the alternative, the use of deception or misrepresentations in securing a license, or the breach of the committee's trust and confidence in submitting an

application that contains deceptive statements or misrepresentations, is grounds for denial of a license under sections 337 630.1 and .1 (3) and (13).

D. Section 620 149 RSMo permits the committee, when it would otherwise have grounds to deny a license, to issue a probationary license.

Order Granting Probationary License

The committee, having fully considered the application of Sara Jane McDaniel, and in consideration of the foregoing findings of fact and conclusions of law, and having considered the explanations of McDaniel and the other persons whose correspondence accompanied her application, does hereby grant her a license to engage in the practice of clinical social work, conditioned upon the following terms and conditions for a period of two years from the date of this order. McDaniel is cautioned that the committee will consider the attention to detail that she demonstrates in abiding these terms of probation as indicative of her professional abilities.

I. GENERAL REQUIREMENTS

A. Licensee shall meet with the Committee or its representative at such times and places as required by the Committee after notification of a required meeting.

B. Licensee shall keep the Committee apprized of her current home and work addresses and telephone numbers. Licensee shall inform the Committee within ten (10) days of any change of home or work address and home or work telephone number.

C. Licensee shall comply with all provisions of the Chapter 337, RSMo, as they pertain to the practice of clinical social work; all applicable federal and state drug

laws, rules and regulations; and all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.

D During the probationary period, Licensee shall timely renew her license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain her license in an active and unexpired status

E During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor her compliance with the terms and conditions of this Order.

F If Licensee fails to comply with the terms of this agreement, in any respect, the Committee may impose such additional or other discipline that it deems appropriate.

G. Licensee shall notify within fifteen (15) days of the effective date of this Order, all facilities where Licensee practices of her probationary status Any place where licensee's practice begins subsequent to this order shall be informed of the probationary status prior to the start of any professional practice. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.

H. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee in this Order shall be forwarded to State Committee for Social Workers, 3605 Missouri Boulevard, PO Box 1335, Jefferson City Missouri 65102.

I This Order does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by Licensee not specifically mentioned in this document.

J The requirements of this order shall remain in effect during any appeal; if any of the terms of this order are stayed pending review the passage of time under this order shall be tolled Termination of probation under this order shall be tolled upon the filing of a probation violation complaint until such time as the allegations of the complaint are finally resolved.

II. REQUIREMENT OF SUPERVISED PRACTICE

A. Licensee's practice as a professional during the first year of the period of probation shall be supervised by a licensed clinical social worker approved by the Committee

B Licensee shall provide a list of five clinical social workers who are willing to supervise her practice to the committee within ten days of the date of this order. The list shall state how Licensee is related (i.e , professionally, socially, by consanguinity or by affinity), if at all, to each proposed supervisor and state the supervisor's relevant experience. The committee encourages Licensee to share this order with her proposed supervisors to ensure that they are willing to supervise her under the terms of this order

C. The Committee will pick a supervisor from the Licensee's list, or may require her to provide another list upon ten days notice.

D. Licensee shall be responsible for any payment associated with the supervision.

E In no event shall Licensee practice clinical social work without a supervisor approved by the committee.

F. In the event the approved supervisor becomes unable or decides not to continue serving in his/her capacity as a supervisor or otherwise ceases to serve as a supervisor during the period of probation, then the Licensee shall:

- (1) within three business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, advise the committee in writing that Licensee is needing to secure a supervisor and the reasons for such change; and
- (2) within 10 business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, provide a list of clinical social workers willing to provide her with supervision.
- (3) the Licensee shall not practice if she has not secured an approved supervisor.

G. The supervisor shall be kept informed about all matters affecting the provision of clinical social work provided by Licensee, and shall be allowed complete access to all places and all records related to the Licensee's practice. Licensee shall encourage her clients to allow the supervisor to observe Licensee's practice with particular clients upon the supervisor's request. The supervisor shall not be responsible for the professional services rendered by the Licensee and complete responsibility for the Licensee's clients shall remain with Licensee. Sharing of information with the supervisor is not a violation of any privilege of the Health Insurance Portability and Accountability

Act (HIPAA) as the committee is a health oversight agency and the supervisor is acting as the committee's agent. The supervisor will maintain strict confidence of all information obtained pursuant to the provisions of § 620 010 14(8) RSMo.

H. Licensee's supervisor shall provide a report to the Committee in writing on a quarterly basis during the first year of the disciplinary period, detailing the nature of Licensee's practice, evaluating her competency, and reporting any known or suspected violation of the statutes or rules governing the practice of clinical social work. It is Licensee's responsibility to ensure that these reports are provided in a timely manner.

III. Continuing Education

A. Licensee shall be required to provide proof of attendance at continuing education at the time of her license renewal during any continuing education cycle covered by this order. She is cautioned to obtain and maintain certificates of attendance appropriately.

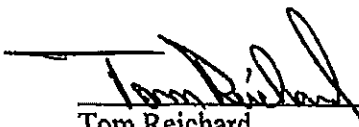
B. Licensee shall, in addition to all other continuing education courses, attend the next licensure update course offered by the committee.

Right to Appeal

As provided by section 620.149 RSMo., McDaniel has the right to a hearing before the Administrative Hearing Commission if she files a complaint seeking review of the committee's decision to issue a probated license within thirty (30) days of delivery or certified mailing of this Order. The complaint must comply with the requirements of section 620.149 RSMo. and the statutes governing and the rules of procedure of the Administrative Hearing Commission, and be delivered to the Administrative Hearing Commission, Truman Building Rm. 604, P O Box 1557, Jefferson City, Missouri 65102-1557. If the Administrative Hearing Commission does not receive a written request for review within thirty (30) days, the right to seek review of the committee's decision shall be considered waived.

SO ORDERED effective this 25th day of May, 2007

MISSOURI COMMITTEE FOR SOCIAL WORKERS



Tom Reichard
Executive Director